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Rajasthan High Court

HON'BLE JUDGE(S): GOPAL KRISHAN VYAS, RAMCHANDRA SINGH JHALA , JJ

Jyoti Alias Beni Banshilal Tank v. Sushil Kumar

D.B. Civil Misc. Appeal - 397 of 2018, decided on 15/05/2018

Hindu Marriage Act (25 of 1955) , S.24— Interim maintenance - Rejection - Wife challenging rejection of application of interim maintenance after decree of divorce in same proceedings - Findings of Court that wife having enough source to maintain herself and sufficient evidence to prove that wife earning more than husband - Rejection, proper.

Name of Advocates

Bharat Shrimali for Petitioner; VN Kalla for Respondent.

Gopal Krishan Vyas, J. :-The instant appeal has been filed by the appellant against the order of rejection of application filed under Section 24 of the Hindu Marriage Act.

Admittedly, the proceedings for divorce in the application under Section 24 of the HM Act as filed, has already been decided by the Family Court, Pratapgarh vide order dated 8.4.2017, but the learned counsel for the appellant submits that even if the judgment dated 8.12.2017 is passed, even then, the appellant wife can challenge the order impugned dated 15.12.2017, which is said to be decided after deciding the original application for divorce.

In support of his arguments, learned counsel for the appellant has invited our attention towards the judgment of Punjab and Harayana High Court reported in AIR 1985 (Punjab and Haryana) 332 (Sohan Lal Vs. Kamlesh) and submits that the order impugned may kindly be quashed and order for maintenance may kindly be passed.

After perusing the order impugned it is revealed that even the arguments of the learned counsel for the appellant is accepted that the appellant wife is entitled for maintenance under Section 24 of the HM Act even after the decree of divorce then there is finding in the order impugned that the appellant wife is having enough source to maintain herself, more so, the family court after considering the evidence held that there is sufficient evidence to prove that appellant wife is earning more money than the respondent husband.

In view of the above, no interference is called for in this appeal. Hence, this appeal is hereby dismissed.